

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2016 MAY -3 PM 2:42

CLERK OF COURT

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ERIC C. DARDEN, AS
ADMINISTRATOR OF
THE ESTATE OF JERMAINE DARDEN,
Plaintiff,

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CIVIL ACTION NO. 4:15-CV-221-A

v.

THE CITY OF FORT WORTH,
W. F. SNOW AND J. ROMERO,
Defendants.

DEFENDANT CITY OF FORT WORTH'S EXPERT DESIGNATION

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to this Court's Order [Doc 59] granting the parties' Agreed Motion to extend the deadlines set forth in this Court's September 30, 2015 Order Setting Schedule, and FED. R. CIV. P. 26(a)(2), Defendant City of Fort Worth files this its Designation of Experts, and would respectfully show unto the Court as follows:

I.

Witnesses required to provide a written report. FED. R. CIV. P. 26(a)(2)(B)

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Fort Worth, Texas 76104
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II.

Witnesses not required to provide a written report. FED. R. CIV. P. 26(a)(2)(C)

Without waiving the right to challenge any other parties' attempt to elicit testimony from any non-retained expert witness that exceeds the scope and intent of FED R. CIV. P. 26(a)(2), Defendant may call the following persons (for purposes consistent with the scope and intent of FED R. CIV. P. 26(a)(2)), who are not retained or specially employed to provide expert testimony in this case and who are not regularly employed by the defendant to provide expert testimony, to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. Defendant also reserves the right to challenge the testimony of any person listed below should another party attempt to offer testimony from the person that is unreliable or for which the person is unqualified to opine.

1. Sgt. R. A. DeHoyos. Sgt. DeHoyos can be reached through Laetitia Coleman Brown, the undersigned attorney for Defendant City of Fort Worth, Fort Worth City Attorney's Office, 1000 Throckmorton St., Fort Worth, Texas 76102, 817-392-6639. Otherwise, her work address generally is Fort Worth Police Department, 350 West Belknap Street, Fort Worth, Texas 76102, 817-392-4000.

2. Lt. G. R. Verrett. Lt. Verrett can be reached through Laetitia Coleman Brown, the undersigned attorney for Defendant City of Fort Worth, Fort Worth City Attorney's Office, 1000 Throckmorton St., Fort Worth, Texas 76102, 817-392-6639. Otherwise, his work address generally is Fort Worth Police Department, 350 West Belknap Street, Fort Worth, Texas 76102, 817-392-4000.

3. Capt. S. E. Conn. Capt. Conn can be reached through Laetitia Coleman Brown, the undersigned attorney for Defendant City of Fort Worth, Fort Worth City Attorney's Office, 1000 Throckmorton St., Fort Worth, Texas 76102, 817-392-6639. Otherwise, his work address generally is Fort Worth Police Department, 350 West Belknap Street, Fort Worth, Texas 76102, 817-392-4000.

4. Officer W. F. Snow, by and through his attorney of record, Kenneth E. East, 9001 Airport Freeway, Suite 675, North Richland Hills, Texas 76180, 817-788-1111.

5. Officer J. Romero, by and through his attorney of record, D. Lee Thomas, Jr., 507 W. Central Avenue, Fort Worth, Texas 76164, 817-625-8866.

6. Officer Jamie Johnson. Officer Johnson can be reached through Laetitia Coleman Brown, the undersigned attorney for Defendant City of Fort Worth, Fort Worth City Attorney's Office, 1000 Throckmorton St., Fort Worth, Texas 76102, 817-392-6639. Otherwise, his work address generally is Fort Worth Police Department, 350 West Belknap Street, Fort Worth, Texas 76102, 817-392-4000.

Based on his years of experience as a police officer and as an instructor of police officers, and his review of the available video footage of the incident in question and the other case documents in the critical police incident report package, this officer is expected to testify as to the reasonableness of the actions at all relevant times of the police officer defendants herein, including that the officers acted reasonably at all times during their entry into the home and

service of the warrant and their interaction with Jermaine Darden and that the defendant officers violated none of Plaintiffs' or Jermaine Darden's clearly established rights. The witness is expected to testify that the force used by each officer at all relevant times was reasonable and not in violation of any person's clearly established rights. The witness is further expected to testify that the defendant officers acted in reasonable reliance on the information provided them by fellow officers and in reliance on the probable cause found by an independent magistrate to serve the warrant. The witness is expected to testify that the force used, including the actions that led to Plaintiff being on the ground, exposed to a Taser, and handcuffed, was reasonable and that the injury or illness suffered by Jermaine Darden was not the result of any excessive use of force or any other alleged improper action or inaction by defendants.

7. All police officers who witnessed all or part of the incident, were involved in any way in any work done in preparation for the service of the warrant at issue herein, were involved in any investigation or review of the incident, or otherwise have knowledge relevant to this lawsuit. Such individuals can be reached through Laetitia Coleman Brown, the undersigned attorney for Defendant City of Fort Worth, Fort Worth City Attorney's Office, 1000 Throckmorton St., Fort Worth, Texas 76102, 817-392-6639. Otherwise, his work address generally is Fort Worth Police Department, 350 West Belknap Street, Fort Worth, Texas 76102, 817-392-4000. Such other police officers include, but are not limited to the following:

N. B. Danford #2506	Drafted search warrant and related documents, wrote incident report
C. M. Gilmore #3008	Acted as evidence custodian
CPL J. Sutherland #343 Officer C. Brady #2687 Officer E. Chavez #3520 Officer C. Gray #3855 Officer W. Snow #3450 Officer J. Ricks #3484 Officer S. Tabor #3662 Officer J. Romero #3648	Members of Central ZT team, who served subject warrant

Officer G. D. Sprout #3290	Confirmed warrants of arrestees
Sgt. R. E. Johnson #2478 A. D. Taylor #3604 J. Sandoval #3625 C. M. Jones #3767 C. M. Gilmore #3008 J. E. Bell #3816 N. B. Danford	Narcotics officers who searched scene
Detective D. G. Rohloff #2522 D. L. Baggott #2186 Detective Murtaugh	Worked on CPI investigation of subject incident
Officer M. Kaether #3893 Officer A. Brewer #3979	Present at scene and were at hospital with Jermaine Darden after incident
Officer Campbell	At hospital with Jermaine Darden after incident
Officer Jeannes	CSSU officer who collected evidence after incident
Lt. Verrett	May have responded to scene

Based on each of these officer's years of experience as a police officer, his/her firsthand memory of the facts from the incident in question or the investigation thereof (see notes above), and his/her review of the available video footage of the incident in question and the other case documents in the critical police incident report package, each officer is expected to testify as to the reasonableness of the actions at all relevant times of the police officer defendants herein, including that the officers acted reasonably at all times during their entry into the home and service of the warrant and their interaction with Jermaine Darden and that the defendant officers violated none of Plaintiffs' or Jermaine Darden's clearly established rights. The witnesses are expected to testify that the force used by each officer at all relevant times was reasonable and not in violation of any person's clearly established rights. The witnesses are further expected to testify that the defendant officers acted in reasonable reliance on the information provided them by fellow officers and in reliance on the probable cause found by an independent magistrate to serve the warrant. The witnesses are expected to testify that the force used, including the actions that led to Plaintiff being on the ground, exposed to a Taser, and handcuffed, was reasonable and

that the injury or illness suffered by Jermaine Darden was not the result of any excessive use of force or any other alleged improper action or inaction by defendants.

8. Tarrant County Medical Examiner, personnel and custodians of records, including:

Lloyd White, M.D., Ph.D., former Deputy Medical Examiner (current contact information unknown to Defendants)

Tasha Z. Greenberg, M.D., Deputy Medical Examiner

Nizam Peerwani, M.D., DABFP, Chief Medical Examiner

Robert Johnson, Ph.D., DABFT, Chief Toxicologist

Kyle Finney, Medical Investigator

Michael Floyd, Chief Forensic Death Investigator

Tarrant County Medical Examiner's Office

200 Feliks Gwozdz Place

Fort Worth, Texas 76104

817-920-5700

Each of these witnesses is expected to testify consistent with the opinions contained in the autopsy report of Jermaine Darden and based on their review of the information contained therein and known to them at the time or shortly after the autopsy was performed.

9. All of Plaintiff's past or present medical providers, including those listed in Plaintiff's Expert Designation and custodians of records thereof. Defendant does not have access to these witnesses and does not know their opinions beyond what is in their respective records, if any. Defendant may call any of these providers in rebuttal to Plaintiff's and his experts' claims.

Respectfully submitted,



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Attorneys for Defendant City of Fort Worth

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document was sent electronically or by another manner authorized by FED. R. CIV. P. 5(b)(2) to the following parties on this the 3rd day of May, 2016.

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